

REMARKS

Claims 1-29 are pending in the application, with claims 1-14 and 17-21 currently under consideration (claims 15, 16, and 22-29 having been withdrawn from consideration).

The following remarks are in response to the Office action mailed June 15, 2006.

Response to Claim Rejections under 35 U.S.C. §102(e)

Claims 1-14 and 17-21 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0127614 (Jiang et al.).

The present application was filed on October 31, 2003. Jiang et al. was filed on October 15, 2003, and claims priority to U.S. Provisional Application Nos. 60/418,482 filed October 15, 2002 and 60/460,714 filed April 4, 2003.

Jiang et al. is relied on in the Office action as disclosing an absorbent article 100 comprising various elements equated to the elements recited in claim 1 of the present application. The disclosure relied on by the Office is not disclosed in U.S. Provisional Application No. 60/418,482. Rather, this disclosure first appears in the later filed U.S. Provisional Application No. 60/460,714. Accordingly, Jiang et al. has an effective filing date for purposes as a 35 U.S.C. §102(e) reference of April 4, 2003 (the filing date of the '714 provisional application) with respect to the disclosure relied upon by the Office.

The enclosed Declaration by the inventors under 37 CFR 1.131 establishes that they invented the subject matter of claim 1 before April 4, 2003, the effective filing date of Jiang et al. In particular, as stated in the Declaration and supported by the accompanying documentation, the applicants conceived of the absorbent article of the present invention

before at least April 4, 2003 and diligently constructively reduced the invention to practice upon filing of the present application.

Accordingly, Jiang et al. is submitted as not being a reference under 35 U.S.C. §102(e) and 35 U.S.C. §103 against the present application.

Applicants therefore request that the rejection of claims 1-14 and 17-21 in view of Jiang et al. be withdrawn.

CONCLUSION

In view of the foregoing, favorable consideration and allowance of claims 1-29 is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard L. Bridge". The signature is written in a cursive, flowing style.

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